

ENROLLED ORDINANCE 158-66

APPROVAL OF 3-WAY MINING AGREEMENT BETWEEN THE WAUKESHA COUNTY
DEPARTMENT OF PARKS AND LAND USE, JOHNSON SAND & GRAVEL, INC. AND
WOLF CONSTRUCTION CO., INC.

WHEREAS Waukesha County (“County”) owns a 102 acre parcel of land, including a previously mined gravel pit (“County Property”) located along the east side of C.T.H. C in Section 6 of the Town of Genesee; and,

WHEREAS through Contract #0221, between Waukesha County and Johnson Sand & Gravel, Inc. (“JSG”), JSG is required to complete mining and reclamation work and operate a yard waste composting facility on the County Property for a period of 10 years; and,

WHEREAS through the adoption of Enrolled Resolution #157-10 on February 25, 2003, the Waukesha County Board of Supervisors authorized the Department of Parks and Land Use to negotiate a new 3-Way Mining Agreement with JSG and Wolf Construction Co., Inc. (“Wolf”) for the purposes of:

1. Removing/mining a 40-foot high hill on the northwest corner of the County Property, including an old landfill owned by the County; and
2. Coordinating mining and grading activities along property boundaries shared between the County and Wolf; and
3. Facilitating groundwater monitoring for a JSG proposed aggregate washing operation on the County Property; and,

WHEREAS Wolf has requested additional provisions in the agreement to clarify future storm water practice maintenance requirements along shared property boundaries and to document conditions for JSG to pump water from a Wolf pond to support the proposed JSG aggregate washing operation on the County Property.

THE BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the 3-Way Mining Agreement between the Waukesha County Department of Parks and Land Use, Wolf Construction Co., Inc. and Johnson Sand & Gravel, Inc., which is on file with the Waukesha County Clerk, is hereby approved.

BE IT FURTHER ORDAINED that the 3-Way Mining Agreement shall supercede all previous agreements with Wolf pertaining to mining and reclamation of the County Property, and shall serve as an addendum to Contract #0221 between Waukesha County and Johnson Sand & Gravel.

BE IT FURTHER ORDAINED that the 3-Way Mining Agreement shall be recorded on the Wolf and County Properties through the Waukesha County Register of Deeds.